

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER IRWIN,

Plaintiff,

vs.

C.A. No. CA04-246 Erie
District Judge McLaughlin
Magistrate Judge Baxter

NURSE 1, NURSE 2, NURSE 3, WARDEN
WASHINGTON COUNTY
CORRECTIONAL FACILITY,
PATROLMAN RON RAYMOND,
CHARTIERS TOWNSHIP POLICE
DEPARTMENT,

Defendants.

MOTION FOR LEAVE OF COURT TO FILE
MOTION FOR SUMMARY JUDGMENT AFTER DEADLINE

AND NOW, comes the Defendants, by and through their counsel, Law Office of Joseph S. Weimer and Edmond R. Joyal, Jr., Esquire, and hereby moves this Honorable Court pursuant to F. R. C. P 30 (a) (2) grant them leave to file a Motion for Summary Judgment after the deadline of October 22, 2006.

1. Plaintiff Christopher Irwin initiated this suit by filing a Complaint in the United States district Court for the Western District of Pennsylvania at No. CA04-246E.
2. Plaintiff alleges that his constitutional rights were violated, in that he was deprived of medical treatment, and that the defendants were deliberately indifferent to his serious medical needs.
3. This Court granted Defendants' Motion to Extend Time for Filing Dispositive Motion and set the date for October 22, 2006.

4. Counsel for Defendants neglected to file said Motion due to a very active trial and deposition schedule.

5. Defendants move this Court to grant them leave to file the attached Motion for Summary Judgment at this time.

6. Defendants believe that granting this Motion is in the interest of justice as well as judicial economy.

WHEREFORE, Defendants move that they be granted leave to file the attached Motion for Summary Judgment.

LAW OFFICE OF JOSEPH S. WEIMER

BY: s/ Edmond R. Joyal, Jr.

Edmond R. Joyal, Jr., Esquire
Pa. I.D. #65907
Attorney for Defendants

Law Office of Joseph S. Weimer
975 Two Chatham Center
Pittsburgh, PA 15219
(412) 338-3184

CERTIFICATE OF SERVICE

I, Edmond R. Joyal, Jr., Esquire, hereby certify that a true and correct copy of the foregoing **MOTION FOR LEAVE OF COURT TO FILE MOTION FOR SUMMARY JUDGMENT** has been served by First Class Mail, postage pre-paid, upon the following parties on this 17th day of November, 2006.

Christopher Irwin
SCI Albion
10745 Route 18
Albion, PA 16475
(Pro Se Plaintiff)

LAW OFFICE OF JOSEPH S. WEIMER

BY: s/ Edmond R. Joyal, Jr.

Edmond R. Joyal, Jr., Esquire
Pa. I.D. #65907
Attorney for Defendants

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